

EXHIBIT D

From: [Lichtman, Leo](#)
To: ["Reid Skibell"](#); ["Stephen Shaw"](#); ["Paul Thanasides"](#); ["Christina Casadonte-Apostolou"](#)
Cc: [Movit, Jeffrey](#); [Lepera, Christine](#)
Bcc: ["Bay Tek Entertainment Inc Full Circle United LLC 51102 00001 E Mails"](#)
Subject: RE: CONFIDENTIAL - search hit report with proposed modifiers
Date: Monday, July 19, 2021 5:22:13 PM

Counsel,

Pursuant to the call, below is a summary of what has been modified from the last total, with the basis for that modifiers, which we believe to be reasonable and in line with Justice Kornreich's directives:

Time periods:

- The time periods still conform to Full Circle's proposed time periods, but narrowed such that any time period that previously stretched prior to July 17, 2014 now starts at this date. The exception to this is Beer Ball, which begins at the date originally intended.

Keyword modifiers:

- (*skee OR skee*) must be w/20 Pavony, NSBL, FCU, Full Circle, live play, OR liveplay. We believe this is in line with Justice Kornreich's view that broad words that are likely to produce more false positives should have modifiers to narrow the search to the case.
- A search for Jeff w/2 Hudson OR jhudson@skeeball.com was conducted, but it must contain either Pavony, NSBL, FCU, Full Circle, live play, OR liveplay. We note that this is broader than the search that Justice Kornreich specified.
- Similarly, emails to and from Gaetan Philippon must contain Pavony, NSBL, FCU, Full Circle, live play, or liveplay, in order to narrow the search to emails which are more likely to relate to the case.
- "Beer Ball" similarly must be w/20 of Pavony, NSBL, FCU, Full Circle, live play, OR liveplay. The modifications are designed to put the search more in line with Justice Kornreich's order permitting a search to "show Bay Tek's intent, not to prove damages or to demonstrate the use of alcohol by Beer Ball."
- All AND modifiers changed to w/20. This is designed to cut the dataset across the board to be more tailored to the case and eliminate false positives, without favoring any particular term. We believe w/20 is a reasonable approach to eliminating false positives while focusing the search on relevant documents, particularly in light of Justice Kornreich's approval of w/10 in some instances.

The above is for discussion purposes only, subject to the hit counts, and we reserve all rights. We are in the process of preparing a hit count report that does not take into account the keyword modifiers, but does take into account the new time periods, for comparison purposes, and will provide that when we have more information.



Leo M. Lichtman | Associate

T: 917.546.7696 | lml@msk.com

Mitchell Silberberg & Knupp LLP | www.msk.com

437 Madison Ave., 25th Floor, New York, NY 10022

THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT AN INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, DISSEMINATION, FORWARDING OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. PLEASE NOTIFY US IMMEDIATELY BY REPLY E-MAIL OR TELEPHONE, AND DELETE THE ORIGINAL MESSAGE AND ALL ATTACHMENTS FROM YOUR SYSTEM. THANK YOU.

From: Lichtman, Leo

Sent: Monday, July 19, 2021 4:22 PM

To: Reid Skibell <rskibell@hs-law.com>; 'Stephen Shaw' <sshaw@mcintyrefirm.com>; Paul Thanasides <paul@mcintyrefirm.com>; Christina Casadonte-Apostolou <christina@mcintyrefirm.com>

Cc: Movit, Jeffrey <jmm@msk.com>; Lepera, Christine <ctl@msk.com>

Subject: CONFIDENTIAL - search hit report with proposed modifiers

Pursuant to call, please find a search hit total with time periods provided by Justice Kornreich, and our proposed modifiers. A limited Jeff Hudson search is also included.

The total at the bottom is the total unique parent “hits.” That, combined with attachments, would give the total number of documents.

| Search Report | | |
|--|--------|-------|
| Keyword | Metric | Total |
| (skee* or *skee) w/20 (Pavony OR NSBL OR FCU OR Full Circle OR “live play” OR liveplay) (7/17/2014 --> 1/1/2016) | Docs | 13 |
| | MB | 11 |
| Search 1A TOTAL (7/17/2014 --> 1/1/2016) | Docs | 13 |
| | MB | 11 |
| Twitch W/20 (skee* OR Full OR Eric OR license) (7/17/2014 -->) | Docs | 202 |
| | MB | 163 |
| ESPN W/20 (skee* OR Full OR Eric OR license) (7/17/2014 ->) | Docs | 189 |
| | MB | 1794 |
| YouTube W/20 (skee* OR Full OR Eric OR license) (7/17/2014 -->) | Docs | 961 |
| | MB | 2189 |
| Brewsk* (7/17/2014 -->) | Docs | 915 |
| | MB | 3038 |
| (Eric w/2 (Cooper or Wikman or Pavony)) AND NOT (Eric | | |

| | | |
|--|------|------|
| w/2 Schadrie) (7/17/2014 -->) | Docs | 992 |
| | MB | 2675 |
| Pavony (7/17/2014 -->) | Docs | 1387 |
| | MB | 3077 |
| "FCU" OR "Full Circle" (7/17/2014 -->) | Docs | 2995 |
| | MB | 5364 |
| "SBI" OR "Skeeball, Inc." OR "Skee Ball, Inc." OR "Skee-Ball, Inc." (7/17/2014 -->) | Docs | 1576 |
| | MB | 5602 |
| Tourn* W/20 (skee* OR Full OR Eric OR license) (7/17/2014 -->) | Docs | 1324 |
| | MB | 3412 |
| League W/20 (skee* OR Full OR Eric OR license) (7/17/2014 -->) | Docs | 1510 |
| | MB | 3631 |
| (Stream* OR *stream) W/20 (skee* OR Full OR Eric OR license) (7/17/2014 -->) | Docs | 1144 |
| | MB | 3286 |
| Broadcast W/20 (skee* OR Full OR Eric OR license) (7/17/2014 -->) | Docs | 213 |
| | MB | 277 |
| Sladek (7/17/2014 -->) | Docs | 662 |
| | MB | 2371 |
| BEEB (7/17/2014 -->) | Docs | 728 |
| | MB | 2513 |
| (Skee OR *skee OR skee*) W/20 sport* (7/17/2014 -->) | Docs | 721 |
| | MB | 2832 |
| (Skee OR *skee OR skee*) W/20 Compet* (7/17/2014 -->) | Docs | 1238 |
| | MB | 3074 |
| Skeeson* OR skee-son* (7/17/2014 -->) | Docs | 109 |
| | MB | 68 |
| App* w/25 lane* (7/17/2014 -->) | Docs | 1491 |
| | MB | 3839 |
| App* w/10 scor* (7/17/2014 -->) | Docs | 925 |
| | MB | 3460 |
| "Petro" OR gpetro@playmechanix.com (7/17/2014 -->) | Docs | 194 |
| | MB | 1998 |
| Mechanix (7/17/2014 -->) | Docs | 221 |
| | MB | 796 |
| NSBL (7/17/2014 -->) | Docs | 2465 |
| | MB | 3651 |
| "Skee-Ball Live" OR "Skeeball Live" OR "Skee Ball Live" OR "SB Live" (7/17/2014 -->) | Docs | 791 |
| | MB | 2602 |

| | | |
|---|------|-------|
| "live play" OR "liveplay" (7/17/2014 -->) | Docs | 658 |
| | MB | 2296 |
| "Skeemature Ejaculation" (7/17/2014 -->) | Docs | 41 |
| | MB | 69 |
| "Hepatitis Skee" (7/17/2014 -->) | Docs | 38 |
| | MB | 69 |
| "K. Skee Anthony" (7/17/2014 -->) | Docs | 36 |
| | MB | 68 |
| "One More Around the Mug" (7/17/2014 -->) | Docs | 15 |
| | MB | 3 |
| "Bottom Up Champs" (7/17/2014 -->) | Docs | 26 |
| | MB | 38 |
| "Skeefers Madness" (7/17/2014 -->) | Docs | 33 |
| | MB | 58 |
| ((Jeff w/2 Hudson) OR jhudson@skeeball.com) AND (Pavony OR NSBL OR FCU OR Full Circle OR "live play" OR liveplay) (7/17/2014 -->) | Docs | 153 |
| | MB | 1916 |
| Search 1B TOTAL (7/17/2014 -->) | Docs | 12881 |
| | MB | 13742 |
| state* w/2 ("fifteen" OR "15") (7/17/2014 -->) | Docs | 238 |
| | MB | 695 |
| Search 1C TOTAL (7/17/2014 -->) | Docs | 238 |
| | MB | 695 |
| "Wik" OR "Wikman" (1/1/2015 -->) | Docs | 1692 |
| | MB | 4272 |
| Roy w/3 Hinoyosa (1/1/2015 -->) | Docs | 10 |
| | MB | 1 |
| Brewbacca (1/1/2015 -->) | Docs | 125 |
| | MB | 1677 |
| Live w/20 (lane* OR *lane) (1/1/2015 -->) | Docs | 556 |
| | MB | 2189 |
| Live w/20 alley* (1/1/2015 -->) | Docs | 285 |
| | MB | 2135 |
| Live w/20 machine* (1/1/2015 -->) | Docs | 456 |
| | MB | 1121 |
| Live w/20 unit* (1/1/2015 -->) | Docs | 780 |
| | MB | 1113 |
| Live w/20 game* (1/1/2015 -->) | Docs | 2842 |
| | MB | 4859 |
| Live w/20 product* (1/1/2015 -->) | Docs | 1858 |
| | MB | 3839 |
| Search 1D TOTAL (1/1/2015 -->) | Docs | 6546 |
| | | |

| | | |
|--|------|-------|
| | MB | 8299 |
| Rev* w/3 shar* (1/1/2016 -->) | Docs | 2139 |
| | MB | 4517 |
| Rev* w/3 agree* (1/1/2016 -->) | Docs | 1690 |
| | MB | 3309 |
| Rev* w/3 deal (1/1/2016 -->) | Docs | 428 |
| | MB | 2332 |
| "Roll for Ohio" (1/1/2016 -->) | Docs | 10 |
| | MB | 1 |
| To/From/CC/BCC (Eric w/2 (Wikman or Pavony or Cooper)) (1/1/2016 -->) | Docs | 786 |
| | MB | 271 |
| Search 1E TOTAL (1/1/2016 -->) | Docs | 4339 |
| | MB | 5748 |
| To/From/CC/BCC ((Gaetan w/2 Philippon) OR gphilippon@yahoo.com OR Gaetan.Philippon@menasha.com) AND (FCU or "Full Circle" or "liveplay" or liveplay or Pavony OR NSBL) (1/1/2017 -->) | Docs | 0 |
| | MB | 0 |
| Search 1F TOTAL (1/1/2017 -->) | Docs | 0 |
| | MB | 0 |
| "Beer ball" w/20 (Pavony OR NSBL OR FCU OR Full Circle OR "live play" OR liveplay) (1/1/2010 -->) | Docs | 153 |
| | MB | 301 |
| Search 1G TOTAL (1/1/2010 -->) | Docs | 153 |
| | MB | 301 |
| Overall TOTAL | Docs | 19806 |
| | MB | 17730 |
| Email Attachments TOTAL | Docs | 9236 |
| | MB | 6476 |



Leo M. Lichtman | Associate

T: 917.546.7696 | lml@msk.com

Mitchell Silberberg & Knupp LLP | www.msk.com

437 Madison Ave., 25th Floor, New York, NY 10022

THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT AN INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, DISSEMINATION, FORWARDING OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. PLEASE NOTIFY US IMMEDIATELY BY REPLY E-MAIL OR TELEPHONE, AND DELETE THE ORIGINAL MESSAGE AND ALL ATTACHMENTS FROM YOUR SYSTEM. THANK YOU.

